

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7670

Petition of twenty Vermont utilities and Vermont Public)
Power Supply Authority requesting authorization, pursuant to)
30 V.S.A. Section 248, for the purchase of shares of 218 MW)
to 225 MW of electricity of H.Q. Energy Services (U.S.) Inc.,)
commencing November 1, 2010, and continuing through)
2038, issuance of findings that such purchases are entitled to)
rate recovery assurance, and requesting certain approvals)
under 30 V.S.A. Section 108)

Order entered: 9/15/2010

PREHEARING CONFERENCE MEMORANDUM AND SCHEDULING ORDER

On August 17, 2010, the Vermont Public Service Board ("Board") received a petition from twenty Vermont electric utilities¹ and the Vermont Public Power Supply Authority ("VPPSA") (collectively, the "Petitioners") requesting authorization, pursuant to 30 V.S.A. Section 248, for the purchase of shares of 218 MW to 225 MW of electricity of H.Q. Energy Services (U.S.) Inc., commencing November 1, 2010, and continuing through 2038. Included with the petition were a Motion for Protective Order, in which the Petitioners seek a protective order governing allegedly confidential documents and information that may be requested in the discovery process, and a Motion for Confidential Treatment of Prefiled Evidence, in which the

1. The twenty utilities are: Central Vermont Public Service Corporation ("CVPS"); Green Mountain Power Corporation ("GMP"); Vermont Electric Cooperative, Inc. ("VEC"); Vermont Marble Power Division of Omya, Inc.; City of Burlington Electric Department ("BED"); Town of Stowe Electric Department ("Stowe"); Washington Electric Cooperative, Inc. ("WEC"); Barton Village, Inc. Electric Department; Village of Enosburg Falls Water & Light Department; Town of Hardwick Electric Department; Village of Hyde Park Electric Department; Village of Jacksonville Electric Company; Village of Johnson Water & Light Department; Village of Ludlow Electric Light Department; Village of Lyndonville Electric Department; Village of Morrisville Water & Light Department; Village of Northfield Electric Department; Village of Orleans Electric Department; Town of Readsboro Electric Light Department; and Swanton Village, Inc. Electric Department (collectively, the thirteen foregoing utilities are herein referred to as the "Thirteen Municipal Electric Utilities").

Petitioners request an order providing confidential treatment of certain prefiled testimony and exhibits.

The Board convened a prehearing conference on September 10, 2010. The following parties entered appearances: Sarah Hofmann, Esq., and John Beling, Esq., for the Vermont Department of Public Service ("Department"); Kimberly Hayden, Downs Rachlin Martin, PLLC, for CVPS; Peter Zamore, Esq., Sheehey Furlong & Behm, PC, and Donald Rendall, Esq., for GMP; Elijah Emerson, Esq., Primmer Piper Eggleston & Cramer, PC, for VPPSA; Victoria Brown, Esq., Primmer Piper Eggleston & Cramer, PC, for VEC; Jeremy Hoff, Esq., Stackpole & French, for Stowe; William Ellis, Esq., McNeil Leddy & Sheahan, PC, for BED; Edward Schwiebert, Esq., Kenlan, Schwiebert, Facey & Goss, PC, for Vermont Marble; Joshua Diamond, Esq., Diamond & Robinson, PC, for WEC; Brian Monaghan, Esq., Walsh & Monaghan, LLP, for Thirteen Municipal Electric Utilities; and Judith Dillon, Esq., for the Agency of Natural Resources. Also present was Sandra Levine, Esq., for the Conservation Law Foundation ("CLF"), who indicated that CLF would be filing a motion to intervene.

At the prehearing conference, no party indicated an objection to the Petitioners' Motion for Protective Order. We are issuing the requested Protective Order concurrently with this Prehearing Conference Memorandum.

With respect to the Petitioners' Motion for Confidential Treatment of Prefiled Evidence, the Petitioners have not yet filed the specific evidence for which they seek confidential treatment. At the prehearing conference, we noted that we wished to review the subject evidence before ruling on the motion. The Petitioners agreed to submit the evidence as if it were a discovery response, subject to protection under the discovery-related Protective Order, once that Protective Order is issued. We established the deadline for responses to the Motion for Confidential Treatment of Prefiled Evidence as one week after the Petitioners file the evidence that is the subject of the motion.

At the prehearing conference, the parties indicated that they had no objections to a proposed schedule that the Petitioners had previously circulated. The Board accepted the schedule with two modifications: an extension to the intervention deadline, and a change in the date for the public hearing. Accordingly, we adopt the following schedule:

Prehearing Conference	September 10, 2010
Responses to Petitioners' Motion for Confidential Treatment of Prefiled Evidence	One week after Petitioners file the subject evidence
Deadline for Intervention Motions Responses due within two business days	September 24, 2010
Discovery on Petitioners Responses due within 14 days	September 24, 2010
Public Hearing via Vermont Interactive Television	October 20, 2010
Non-petitioners' Prefiled Direct Testimony and Exhibits	October 22, 2010
Discovery on Non-petitioners Responses due within 14 days	October 29, 2010
Petitioners Prefiled Rebuttal Testimony and Exhibits	November 19, 2010
Discovery on Petitioners' Rebuttal Responses due within 14 days	November 30, 2010
Non-petitioners Prefiled Surrebuttal Testimony and Exhibits	December 17, 2010
Discovery on Non-petitioners' Surrebuttal Responses due within 14 days	December 24, 2010
Depositions – on notice during discovery periods	
Technical Hearings	January 18 – 21, 2011 ²
Briefs	February 18, 2011
Reply Briefs	March 4, 2011

Finally, we require that parties provide an electronic copy of all testimony, motions and responses, and briefs (e-mail submission is acceptable), in addition to hard copies. If the electronic filings are submitted in .pdf format, they must be submitted in a form that permits the Board and other parties to search the document and extract text.

So ORDERED.

2. The Petitioners' proposed schedule also included January 17, 2011, as a hearing date. However, that date is a holiday (Martin Luther King Day), and we have not included it in the schedule.

Dated at Montpelier, Vermont, this 15th day of September, 2010.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: September 15, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)